

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

04 10084 GAO

FILED

CLERK'S OFFICE

2005 JAN 12 P 4:13

TRANSAMERICA COMMERCIAL  
FINANCE CORPORATION,  
Plaintiff

v.

CAMPERS INN OF AYER, INC.,  
ADVENTURE WORLD, INC., and  
DAVID M. HIRSCH  
Defendants

MAGISTRATE JUDGE

Alexander

U.S. DISTRICT COURT  
DISTRICT OF MASS.

AMOUNT \$ 150

SUMMONS ISSUED N/A

LOCAL RULE 4.1

WAIVER FORM

MCF ISSUED

BY DPTY. CLK. F.O.M.

53126  
1/14/04NOTICE OF REMOVALTO: CLERK OF COURT  
U.S. DISTRICT COURT for the DISTRICT OF MASSACHUSETTS

PLEASE TAKE NOTICE that above captioned Defendants West hereby file this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446(b). The grounds for removal are as follows:

- On or about January 8, 2004, the Plaintiff, Transamerica Commercial Finance Corporation (hereinafter, "Plaintiff" or "Transamerica") commenced a civil action entitled Transamerica Commercial Finance Corporation v. Campers Inn of Ayer, Inc., Adventure World, Inc. and, David M. Hirsch, Civil Action No. 04-0069, in Massachusetts Superior Court, Middlesex County. On January 9, 2004 the Defendant, David M. Hirsch, received by mail from Plaintiff the Verified Complaint, Summons and Restraining Order, Civil Action Cover Sheet; Insurance Certificate, Motion for Appointment of a Special Process Server (approved), Ex Parte Motion for Approval of Real Estate Attachment, Plaintiff's Ex Parte Application for Temporary Restraining Order and Short Order of Notice, and Application for Preliminary Injunction After Hearing, and Proposed Order on Ex-Parte

Temporary Restraining Order, copies of which are attached hereto as Exhibit 1. There have been no further proceedings in this action.

2. Plaintiff is a Delaware corporation doing business within the Commonwealth of Massachusetts. (Comp. ¶ 1.) The Plaintiff's Principal Place of Business is located at 5595 Trillium Boulevard, Hoffman Estates, Illinois, 60192. (Comp., Exhibit A).

3. Defendants, Campers Inn of Ayer, Inc., and Adventure World, Inc. are Massachusetts corporations with principal places of business in Massachusetts. (Comp. ¶ 2 & 3). The Defendant, David M. Hirsch, is an individual residing in the Commonwealth of Massachusetts. (Comp. ¶ 4).

4. Plaintiff alleges in the Verified Complaint that the value of the funds owed by the Defendants under the Agreement is \$496,432.51. (State Civil Action Cover Sheet)

5. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 because the parties are citizens of different states and the alleged amount in controversy exceeds \$75,000, exclusive of interest and costs.

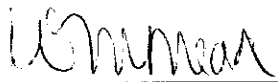
6. Defendant has filed this Notice of Removal within 30 days of receiving the Complaint, Summons, and Order of Notice, as required by 28 U.S.C. § 1446(b).

7. Defendant has, on this 12<sup>th</sup> day of January, 2004, sent copies of this Notice of Removal to Plaintiff's counsel and to the Clerk of the Massachusetts Superior Court, Middlesex County, to be filed with that court pursuant to 28 U.S.C. § 1446(d).

8. In accordance with Local Rule 81.1, the Defendants shall within 30 days file with the Clerk of this Court certified or attested-to copies of all records and proceedings in the state court and a certified or attested-to copy of all docket entries there.

WHEREFORE, the Defendants in the above-captioned matter hereby remove to this Court the above-captioned action now pending in Massachusetts Superior Court, Middlesex County.

Respectfully Submitted,  
Campers Inn of Ayer, Inc,  
Adventure World, Inc., and  
David M. Hirsch,  
By their counsel,



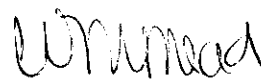
Steven A. Kressler  
BBO 280020  
Wendy M. Mead  
BBO 635333  
Kressler & Kressler, PC  
11 Pleasant Street, Ste. 200  
Worcester, MA 01609  
(508) 791-8411

DATED: January 12, 2004

#### CERTIFICATE OF SERVICE

I, Wendy M. Mead, hereby certify that I have this day served a copy of the foregoing document, by facsimile and by mailing same via overnight mail, to the following:

James A.G. Hamilton, Esq.  
Ronald J. Snyder, Esq.  
Perkins, Smith & Cohen, LLP  
One Beacon Street  
Boston, MA 02108  
Fax (617) 854-4040



Wendy M. Mead

Dated: January 12, 2004